



CLOSED CASE SUMMARY

ISSUED DATE: DECEMBER 14, 2020

FROM: DIRECTOR ANDREW MYERBERG
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2020OPA-0409

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy	Not Sustained (Unfounded)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

During an arrest screening for an unrelated incident, the Complainant alleged that, during a previous arrest, North Precinct officers took \$2,000 from him and this money was never returned.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties 2. Employees Must Adhere to Laws, City Policy and Department Policy

On July 14, 2020, the Complainant was arrested for attempting to use a stolen credit card. As part of screening that arrest, a supervisor spoke to the Complainant. During the screening, he alleged that "last time, the North police took" approximately \$2,000 from him and that he "never got it back."

OPA checked arrest records and records at King County Jail. OPA determined that the Complainant has been arrested a total of eight times by local agencies, and twice by SPD North Precinct officers. OPA reviewed Body-Worn Video (BWV) of the two arrests involving North Precinct officers. The first arrest was for a warrant related to an assault, while the second was related to a stolen vehicle.

In the first incident, which occurred in April 2019, officers approached the Complainant while he was walking a dog with a friend. After identifying him, the officers handcuffed the Complainant and conducted a search incident to



arrest. During the search, they located a pair of glasses, a cellphone, and a wallet. The wallet was a standard billfold-style, and no currency was immediately visible on BWV. They placed the items in a white plastic bag used for holding detainee property and placed the bag inside of the patrol vehicle. The officers took the Complainant to the North Precinct where a sergeant screened the arrest. After the arrest screening, officers took the Complainant to King County Jail. During that time, the officers retained control of the Complainant's belongings. BWV remained active and did not show the officers ever going into the bag of the Complainant's property or handling any currency.

In the second incident, which occurred in April 2020, officers observed a reported stolen vehicle. They stopped the vehicle and told the driver, who was the Complainant, to get out. The officers handcuffed the Complainant and conducted a search incident to arrest. No items were recovered from his person. The Complainant told the officers that his cell phone was in the vehicle and asked them to get it for him. He also said that he had money and cigarettes in the vehicle that belonged to him. After determining that the owner of the vehicle had authorized a search if it was recovered by officers, the officers searched the vehicle. Inside, they located multiple cell phones and a jacket, which the Complainant denied were his when asked. The officers placed the cell phones in a paper bag. BWV did not show the officers locating any money or discussing seeing money. Ultimately, the officers entered the cell phones into evidence for safekeeping. The Complainant was booked into King County Jail.

OPA attempted to contact the Complainant regarding the allegation he made to the screening sergeant. The Complainant was released from King County Jail after his most recent arrest and did not return attempts to contact him. OPA's review of its own records found that the Complainant has not attempted to contact the City regarding the purportedly lost or stolen money and has not filed a claim.

SPD Policy 5.001-POL-2 requires that employees adhere to laws, City policy, and Department policy. If evidence showed that an unknown SPD employee took money from the Complainant, that would violate the law as well as department policy.

OPA's review of the Complainant's two prior arrests by North Precinct officers did not record them locating any amount of money apart from that which might have been contained in his wallet. In the first incident, while the Complainant's wallet was found during a search of his person, it did not appear to contain an unusual or significant number of bills (minimum twenty, assuming that the Complainant had \$2,000 in \$100 increments). In that incident, the Complainant's wallet was placed in a bag for his personal property and accompanied him to King County Jail. BWV did not show officers opening the wallet or removing any items from it or the bag. In the second incident, no money appeared to be recovered from the Complainant's person or from the car he was in.

While OPA cannot conclusively rule out that the Complainant may have had money taken by officers at another law enforcement agency, the documentation of the Complainant's arrests show that no SPD officer did so. For this reason, OPA recommends that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**